

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

FILED
MAR - 6 2014

U.S. DISTRICT COURT
By _____
USDC

RAMONICA FRANCES GREEN
Plaintiff,

VS.

GREEN TREE SERVICING, LLC,
ET AL.

Defendant,

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§

CIVIL ACTION NO. 4:13-CV-1020-O

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION REGARDING
DEFENDANTS' MOTION TO DISMISS**

Pending before the Court is Defendants' Motion to Dismiss [doc. # 8], filed January 28, 2014. In their motion, Defendant requests that the Court dismiss the above-styled and numbered cause pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6). (Defendants' Motion to Dismiss ("Defs.' Mot.") at 1-10.) According to Defendants, "Plaintiff lacks standing and cannot demonstrate that she is an 'aggrieved party' because she was not a recipient of the alleged communications or actions at issue in her Complaint, nor was she a party to the underlying mortgage loan which was executed by a third party, Daveon McCulloch." (Defs.' Mot. at 1.) In addition, Defendants argue that the Complaint should be dismissed because her allegations and claims against Defendants "are not based on cognizable legal theories supported by specific factual allegations." (Defs.' Mot. at 7.) Having carefully considered the Defendants' motion, and noting that Plaintiff wholly failed to file a response, the Court recommends granting Defendants' motion for the reasons stated therein.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate

Judge's proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **March 20, 2014** to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED March 6, 2014.



JEFFREY L. CURETON

UNITED STATES MAGISTRATE JUDGE

JLC/knv